

TEWKSBURY Board of Health
Minutes
January 03, 2013

TOWN CLERK
BOARD OF REGISTRARS
TEWKSBURY, MA
13 FEB 12 PM 12:52

Call of Meeting To Order

MOTION - Ms. Brothers made a motion to call the meeting to order at 7:12 PM. The motion was seconded by Ms. Kinnon and unanimously voted 5-0.

The meeting was held at the Town Hall Auditorium. Present at the meeting were, Chairman Phillip French, Vice Chairman Charles Roux, Christine Kinnon, Edward Sheehan, Kathleen Brothers and Health Director Lou-Ann Clement.

Old Business

FY 2014 Budget Discussion

Ms. Clement provided a copy of the budget that was submitted to the Town Manager. This is primarily a level funded budget. There was one error. Section 5730, Dues and Memberships was accidentally deleted. This has a line item of \$425 and this was added back in. The operating budget was level funded. The only increases to the budget were for raises and step increases.

Ms. Clement stated that the priorities submitted were an increase in budget for beaver management, increase in the nurses' hours and an increase in the Board's salaries. She met with the Town Manager today and the budget is self-explanatory. There are several line items that have \$0 balance and after 5 years these items will be removed. Ms. Clement also included the priorities from the other Community Development departments.

Proposed Chapter 9: Grease Trap requirements for Food Establishments

Ms. Clement stated that she received feedback from Town Counsel and the DPW Superintendent, Brian Gilbert which have been included in the revised draft. The changes are as follows:

- There were numerous grammatical changes that have been fixed.
- In Definitions – added “Critical Violation”. Ms. Kinnon asked it be changed to read “Any violation that creates or contributes to an immediate health threat to public health and welfare as deemed by the Board or its agents”. Everything else to remain the same.
- Section 9.2 – Removed dwelling from definitions of facilities.
- In Definitions – added “Non-critical Violation”. Ms. Kinnon asked it be changed to read “Any violation that does not create or contribute to an immediate threat to public health or welfare as deemed by the Board of its agents”.
- In Definitions – added “Public Owned Treatment Work (POTW)” from the sewer regulations. Ms. Kinnon stated that “included” should be “includes”. Ms. Clement added that the Plumbing Inspector is responsible for pipe from the foundation to 10' out.
- In Definitions – “Grease Bearing Waster” has been deleted and replaced with Fats, Oils and Grease (FOG)
- Section 9.4.3 – Mr. Gilbert questioned why a plumber, drain layer and tank installer were all needed. Mr. Roux stated that this can be a cross functional event where all three people would be required. Mr. Roux suggested deleted the “and/or” from the sentence. Ms. Clement stated that she will try to clarify.

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- Section 9.5.1, Section B – Mr. Gilbert asked that “What a problem is” be defined. This section will read that “Food establishments that experience a FOG problem shall install a grease trap immediately”... Ms. Kinnon stated that there is a missing “that” after “crushed stone”.
- The DPW questioned why an external grease trap shall be piped with cast iron. Ms. Clement verified with the Plumbing Inspector and it is mandated by the Plumbing Code.
- Section 9.5.3.9 – DPW questioned the times of year. Mr. Roux stated that these are monolithic vessels and it won’t matter what time of year they are installed. Usually they go 1’ above the water table.
- Section 9.5.3.3 – Will include the type of construction for the tank. Mr. Roux asked who signs off on the plan. Ms. Clement replied the Plumbing Inspector, Engineering and Board of Health all sign off.
- Section 9.9 – DPW stated that the phrase “All containers shall be kept in a sanitary condition” was vague. Ms. Clement stated that this is standard wording. There have been outside grease containers that have not been maintained and terminology of sanitary conditions was used frequently. Mr. Roux stated that phrase is also in the dumpster regulations.
- Section 9.10 – Town Counsel suggested “handler” change to “hauler” and should now read “All FOG related waste shall be removed from the facility only by a septic hauler permitted by the Board”.
- Section 9.12.3 – Town Counsel wanted this section to be revised to be the same as our operational regulations. Ms. Kinnon added “...following a determination of a critical violation shall hold a hearing within 30 days”.
- Section 9.12.5 - Fines – Ms. Clement stated that the Board can determine the fines up to a \$1,000. Town Counsel stated that this section is not consistent with Section 9.13.1. Ms. Clement stated that MGL Chapter 111, Section 31 allows fines to be up to \$1,000. Ms. Clement provided copies of the Chapter. Ms. Kinnon stated that a reference should be added after “\$1,000” to read “in accordance with MGL”.
- Section 9.12.4 – The reference was changed to Chapter 3 so it is now consistent with Section 9.12.5
- Section 9.13.3 – Town Counsel suggested deleting the first sentence but it should remain because it references non-critical violations.
- Section 9.13 – This section was revised to be consistent with other changes.
- Section 9.13.2 – There is still a question of what happens if an appeal is taken. Ms. Clement stated that she still needs to work with Town Counsel and bring this section back.
- Sections 9.13.3 and 9.14 – These sections were pretty much the same so they have been combined. The sections referring to the annual permits have been removed. These regulations now only reference the initial permit.
- Section 9.16 – The DPW wants to be able to recoup reimbursement of Town expenses if an establishment causes and problem and is found in violation of these regulations.
- Section 9.18 – The appeal section has been separated out and a person can appeal the decision of the Board to the appropriate court.

Ms. Clement stated that these regulations are in good shape. The changes from tonight can be incorporated and we can schedule a meeting for a public hearing. She would look towards the first meeting in February.

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Mr. Roux asked if all interested department have approved this draft. Ms. Clement stated that she is still awaiting engineering and the project manager's final review. The Plumbing Inspector received this yesterday so she will wait for him. Mr. Roux suggested giving the departments a little more time and suggested scheduling the public hearing for the second meeting in February.

Mr. French agreed and added that it should be sent to Town Counsel once everyone's comments are received.

Chapter 11 –Restricting the Sale of Tobacco Products & Nicotine Delivery Products Update

Ms. Clement stated that all changes from the last meeting have been incorporated and it has been advertised and submitted to the DEP Central Registry. Ms. Clement added that all permit holders have been notified.

Board Member Reports

Mr. French stated that there are no reports tonight.

Other Business

Healthy Communities Tobacco Control Program Non-Criminal Citation No 20643

Ms. Clement stated that there have been two different letters sent on this issue. During a compliance check, one of the youths was waiting in line and started playing with a specialty lighter. There was a violation but the youth should not have been playing with the lighter. Ms. Clement asked that the board ratify the letter to rescind the violation.

MOTION - Ms. Kinnon made a motion to ratify to rescind the Citation No. 20643. The motion was seconded by Ms. Brothers and unanimously voted 5-0.

Town Board Remote Participation Policy

Ms. Clement stated that the Board of Selectmen and Town Manager have instituted a remote participation policy. There are certain criteria that have to be met on why a member is missing the meeting. The reasons are listed in the handouts. Ms. Kinnon asked how this works and who is providing the service. Ms. Clement replied that the member who is absent would call in and it would be similar to a speaker phone. She is not sure who would provide the equipment but will check on this.

Announcements

Thank You Note

Mr. French stated that we received a thank you note from the student nurse, Theresa Johnson, who attended last month's meeting.

CDC Announcement

Ms. Clement stated that in December, a reminder notice went out that this year the flu season has come early. The CDC is still recommending getting the flu shot.

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Legislative Night Substance Abuse in Our Communities – January 9, 2013 from 4 to 6 PM – Middlesex Community College Morse Federal Building (Assembly Room)

Ms. Clement stated that if there are any questions, the Lowell Health Department can answer them or people can call her office.

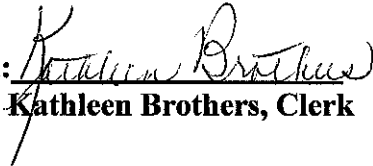
Unwanted Medication Kiosks Locations

Mr. French stated that the following communities have unwanted medication kiosks locations. They are Tewksbury, Lowell, Westford, Chelmsford, Dracut, Tyngsboro and now Wilmington.

Ms. Brothers suggested promoting this more. In Lowell, there are signs in restaurants on where people can dispose of medication. Ms. Clement stated that she can look to getting the word out to more public buildings and she can also reach out to businesses during inspections.

MOTION - Ms. Brothers made a motion to close the meeting and adjourn at 8:20 PM. The motion was seconded by Ms. Kinnon and unanimously voted 5-0.

Approved:


Kathleen Brothers, Clerk

TEWKSBURY BOARD OF HEALTH MEETING

List of Documents for January 3, 2013

Documents can be located at the Board of Health's Office

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Meeting Called To Order:

Old Business:

FY 2014 Budget package
Proposed Chapter 9 Grease Trap dated 12/28/12
TBOH Chapter 3 page 9
Town Counsel comments dated 12/5/12

Board Members reports:

Other Business:

Healthy Communities letter received Nov 30, 2012
Healthy Communities letter dated June 15, 2012
Citation NO 20643
Town Board Remote Participation Policy

Announcements:

Legislative Night January 9, 2013

Adjourn: